

Privacy Policy of Don Allen & Associates Inc.

Privacy of personal information is an important principle to Don Allen & Associates Inc. (“DAA”). We are committed to collecting, using and disclosing personal information responsibly and only to the extent necessary for the services we provide. We also try to be open and transparent as to how we handle personal information. This document describes our privacy policies.

What is Personal Information?

Personal information is information about an identifiable individual. Personal information includes information that relates to their personal characteristics (e.g., gender, age, marital and family circumstance, income, debts, home address or phone number, cause of financial difficulties), their health (e.g., disabilities, health conditions resulting in loss of income) or their activities and views (e.g., opinions expressed by an individual, our opinion about the causes of personal bankruptcy). Personal information is to be contrasted with business information (e.g., an individual’s business address and telephone number), which is not protected by privacy legislation.

Who We Are

DAA is an independent firm providing insolvency and restructuring services. In addition to our staff, we use a number of consultants and agencies that may, in the course of their duties, have limited access to personal information we hold. These include computer consultants, office security and maintenance, a file storage company, temporary workers to cover holidays, credit card companies, website managers, cleaners, our landlord and lawyers. We restrict their access to any personal information we hold as much as is reasonably possible.

We Collect Personal Information: Primary Purposes

About Debtors

Like all Insolvency and restructuring professionals we assume a number of roles. For example, we can act as a trustee in bankruptcy, an administrator of a consumer proposal, a receiver, a manager and an agent of a secured creditor. Depending on our precise role (and the role can change over time) the type of personal information we collect, use and disclose about a debtor can vary.

However, in general terms, we typically collect personal information about debtors in order to understand their assets and liabilities, their income and expenses, their family circumstance, the reasons for their financial difficulties and what contributions they might reasonably make towards their debts. This information is typically then used and disclosed to file the appropriate forms with the government (e.g., Office of the Superintendent of Bankruptcy, Official Receiver, Canada Revenue Agency) and sometimes the courts, and to

advise the creditors of the debtors' circumstances, realize the assets, collect any surplus income during the bankruptcy, pay off the creditors and participate in the process for discharging the debtor from bankruptcy.

While we collect most of this information from the debtor, we may also collect some of this information from the creditors, family members of the debtor, those involved in financial transactions with the debtor, public records and others with relevant information in order to ensure that we have all of the information as accurately as possible. This is part of our obligation as insolvency and restructuring professionals.

Debtors are usually asked to consent to this collection, use and disclosure of their personal information. However, sometimes we may collect, use and disclose information without consent, for example, in the following circumstances:

- where we are acting as an agent of the creditor for the purpose of collecting a debt;
- where we are required to do so by law;
- where the information is publicly available in a prescribed record; or
- in emergency situations.

Consent may be written, verbal or implied.

About Creditors

Like most insolvency and restructuring professionals we collect, use and disclose information about the amount claimed by creditors and the creditors themselves in order to evaluate and process the claim and make distributions. For example, the Statement of Affairs document distributed to creditors and filed with the government lists all known creditors and the amounts owing. Usually this information is business information, not personal information. However, some creditors are owed money in their personal capacity and their contact and financial information will be personal, not business. In that circumstance, we may need to collect, like we do for debtors, the creditor's social insurance number in order to report the transaction or related income.

Again, as for debtors (see discussion above), an attempt is made to obtain consent whenever possible. However, sometimes this is not possible (e.g., we are required to circulate a Statement of Affairs to creditors by law). Creditors should assume that whenever they provide information to us that they are also providing consent for us to use and disclose the information in the ordinary course to the debtor, the other creditors (who have the right to know who else is claiming against the assets of the debtor), the government and the courts.

About Clients and Employees of a Debtor

When we assume ownership, receivership or management of a debtor's business, we have the same obligations as that of the debtor. Thus, if the business engages in commercial

activities covered by privacy legislation, we collect, use and disclose personal information in the same way that the debtor is required to. For example, we can only sell a business' client list or records in the same way that the debtor could. For more information for a particular circumstance, please contact our Privacy Officer.

About Members of the General Public

For members of the general public, our primary purpose for collecting personal information is usually to gather and review information that is relevant to an issue affecting our own debtor files (e.g., ownership and history of funds or an asset). Thus, the personal information is usually incidental to our managing a debtor file. Often this collection, use and disclosure is done without the individual's consent because we are reviewing an apparent breach of agreement or the law and obtaining consent would compromise the investigation, or because we are required by law to make the inquiries.

Another primary purpose for collecting personal information about members of the general public is to make them aware of insolvency and restructuring services in general or our firm in particular. For example, while we try to collect work contact information where possible, we might collect home addresses, fax numbers and email addresses. We try to obtain consent before collecting any such personal information (unless it is available in a prescribed public record), but where this is not, for any reason, possible, we will upon request immediately remove any personal information from our distribution list.

On our website, we only collect, with the exception of cookies (electronic markers identifying computers that have previously visited our website), the personal information you provide and only use that information for the purpose you gave it to us (e.g., to respond to your email message. Cookies are only used to help you navigate our website and are not used to monitor you.

About Staff

For people who work for us, our primary purpose for collecting personal information is for necessary work-related communication and activities and government filings (e.g., to discuss an assignment, sending out paycheques, conferring benefits, monitoring employee performance, year-end tax receipts, tax filings). Examples of the type of personal information we collect for those purposes include home addresses and telephone numbers, social insurance numbers and information for performance reviews. It is rare for us to collect such information without prior consent (which is sometimes implied), but it might happen in the case of a health emergency (e.g., an outbreak of a contagious disease) or to investigate a possible breach of law (e.g., if a theft were to occur in the office).

We Collect Personal Information: Related and Secondary Purposes

Like most organizations, we also collect, use and disclose information for purposes related to or secondary to our primary purposes. The most common examples of our related and secondary purposes are as follows:

- To invoice for our services or to collect unpaid accounts.

- ❑ To advise the public, including referral sources of our services.
- ❑ Our firm reviews our files for the purpose of ensuring that we provide high quality services, including assessing the performance of our partners and staff. In addition, external consultants (e.g., consultants, lawyers, information technology) may on our behalf do audits and continuing quality improvement reviews of our firm, including reviewing files and interviewing our staff.
- ❑ Insolvency and restructuring professionals are regulated by the Office of the Superintendent of Bankruptcy, provincial regulators for accountants, the Canadian Association of Insolvency and Restructuring Professionals and others who may inspect our records and interview our staff as a part of their regulatory activities in the public interest. In addition, as professionals, we will report serious misconduct, incompetence or incapacity of other professionals, whether they belong to other organizations or our own. Also, our firm believes that it should report information suggesting serious illegal behaviour to the authorities. External regulators have their own strict privacy obligations. These reports could include personal information about debtors, creditors, or other individuals, to support the concern (e.g., improper services), although we try to keep this disclosure to a minimum. Also, like all organizations, various government agencies (e.g., Canada Revenue Agency, Information and Privacy Commissioner, Human Rights Commission, etc.) have the authority to review our files and interview our staff as a part of their mandates. In these circumstances, we may consult with professionals (e.g., lawyers, accountants) who will investigate the matter and report back to us.
- ❑ Debtors, creditors or other individuals we deal with may have questions about the services we have provided or how we have handled personal information about them. We also provide ongoing services for some individuals over a period of months or years for which previous records are helpful. We retain our insolvency and restructuring information for a minimum of ten years after the last contact to enable us to respond to those questions and provide these services.
- ❑ If DAA or its assets were to be sold, the purchaser would want to conduct a “due diligence” review of the firm’s records to ensure that it is a viable business that has been honestly portrayed to the purchaser. This due diligence may involve some review of our financial and service files. The purchaser would not be able to remove or record personal information. Before being provided access to the files, the purchaser must provide a written promise to keep all personal information confidential. Only reputable purchasers who have already agreed to buy the organization’s business or its assets would be provided access to personal information, and only for the purpose of completing their due diligence search prior to closing the purchase.

You can choose not to be part of some of these related or secondary purposes (e.g., by declining promotional materials, by paying for your services in advance). We do not, however, have much choice about some of these related or secondary purposes (e.g., external regulation).

Protecting Personal Information

We understand the importance of protecting personal information. For that reason, we have taken the following steps:

- ❑ Paper information is either under supervision or secured in a locked or restricted area.
- ❑ Electronic hardware is either under supervision or secured in a locked or restricted area at all times. In addition, passwords are used on computers. All of our cell phones are digital, which signals are more difficult to intercept (however, we still are careful on cell phones because sometimes they switch over to an analog service).
- ❑ Paper information is transmitted through sealed, addressed envelopes or boxes by reputable companies.
- ❑ Electronic information is transmitted either through a direct line or is anonymized or encrypted.
- ❑ Staff are trained to collect, use and disclose personal information only as necessary to fulfill their duties and in accordance with our privacy policy.
- ❑ External consultants and agencies with access to personal information must provide us with appropriate privacy assurances.

Retention and Destruction of Personal Information

We need to retain personal information for some time to ensure that we can answer any questions you might have about the services provided or how we handled personal information about you and for our own accountability to external regulatory bodies. However, we do not want to keep personal information too long in order to protect your privacy.

We keep our insolvency and restructuring case files for about ten years. Our contact directories are much more difficult to systematically destroy, so we remove such information when we can if it does not appear that we will be contacting you again. However, if you ask, we will remove such contact information right away. We keep any personal information relating to our general correspondence, newsletters, seminars and marketing activities for about two years after the contact or event is over.

We destroy paper files containing personal information by shredding. We destroy electronic information by deleting it and, when the hardware is discarded, we ensure that the hard drive is physically destroyed or reformatted.

You Can Look at Your Information

With some exceptions, you have the right to see what personal information we hold about you. Often all you have to do is ask. We can help you identify what records we might have about you. We will also try to help you understand any information you do not understand (e.g., short forms, technical language, etc.). We will need to confirm your identity, if we do not know you, before providing you with this access. We reserve the right to charge a nominal fee for such requests.

If there is a problem, we may ask you to put your request in writing. If we cannot give you access, we will tell you within 30 days if at all possible and tell you the reason, as best we can, as to why we cannot give you access.

If you believe there is a mistake in the information, you have the right to ask for it to be corrected. This applies to factual information and not to any professional opinions we may have formed. We may ask you to provide documentation that our files are wrong. Where we agree that we made a mistake, we will make the correction and notify anyone to whom we sent this information. If we do not agree that we have made a mistake, we will still agree to include in our file a brief statement from you on the point and we will forward that statement to anyone else who received the earlier information.

Do You Have a Question?

Our Privacy Officer, Don Allen, can be reached at:

Don Allen
Don Allen & Associates Inc.
Suite 1235, 4 King Street West
Toronto, ON M5H 1B6

Phone: 416-504-1511
Fax: 866-223-0405
Email: info@allentrustee.ca

He will attempt to answer any questions or concerns you might have.

If you wish to make a formal complaint about our privacy practices, you may make it in writing to our Privacy Officer. He will acknowledge receipt of your complaint, ensure that it is investigated promptly and that you are provided with a formal decision and reasons in writing.

This policy is made under the *Personal Information Protection and Electronic Documents Act*. It is a complex Act and provides some additional exceptions to the privacy principles that are too detailed to set out here. There are some rare exceptions to the commitments set out above.

For more general inquiries, the Information and Privacy Commissioner of Canada oversees the administration of the privacy legislation in the private sector. The Commissioner also acts as a kind of ombudsman for privacy disputes. The Information and Privacy Commissioner can be reached at:

112 Kent Street
Ottawa, ON K1A 1H3 Phone: (613) 995-8210
Toll-free: 1-800-282-1376
Fax: (613) 947-6850 TTY: (613) 992-9190
www.privcom.gc.ca